

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ACE HARDWARE CORPORATION,)	
)	
Plaintiff,)	Case No. 09 CV 66
v.)	
)	
CELEBRATION ACE HARDWARE, LLC,)	
SHERI DEVITO, DAVID MICALE,)	
CAROL MICALE, DEANNA BENETTI,)	
MATTHEW BENETTI and the DEVITO)	
REVOCABLE TRUST)	
)	
Defendants.)	

PLAINTIFF’S MOTION FOR ENTRY OF JUDGMENT

Plaintiff Ace Hardware Corporation (“Ace”) pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, respectfully moves this Court to enter judgment against Deanna Benetti in the amount of \$271,337.80 and against Matthew Benetti in the amount of \$719,955.16. In support thereof, Plaintiff states as follows:

1. On January 4, 2010 a default finding was entered against Deanna Benetti and Matthew Benetti. (Exhibit 1)
2. On April 28, 2009, this Court entered a default judgment as against Celebration Ace Hardware LLC in the amount of \$723,702.75. (Exhibit 2)
3. Defendant Matthew Benetti is responsible for this entire amount as he personally guaranteed to Ace in a Guaranty of Credit that his “obligation [was] a primary and unconditional obligation and covers all existing and future indebtedness of [Celebration Ace Hardware, LLC] to [Ace Hardware]”. (Exhibit 3; See also, Complaint for Breach of Contracts and to Enforce

Personal Guaranties at Count VI) He further executed an additional Equity Match Guaranty whereby he promised to “irrevocably and unconditionally guarantee[d] to [Ace Hardware]...the due and punctual payment and performance of all indebtedness now existing or hereafter arising...”. (See Exhibit 4; See also, Complaint at Count VII)

4. Defendant Deanna Benetti personally guaranteed Celebration Ace Hardware, LLC’s obligations under the Equity Match Guaranty. (Exhibit 5; See also, Complaint at Count VII) The amount owed pursuant to the Equity Match Guaranty is \$271,337.80. See Declaration of Gordon Hampton attached as Exhibit 6. The total amount owed by Celebration Ace Hardware, LLC to Plaintiff is \$723,702.75. (See Exhibit 2; See also, Declaration of Gordon Hampton, Exhibit 6)

Wherefore, Plaintiff respectfully requests judgment against Deanna Benetti in the amount of \$271,337.80 and against Matthew Benetti in the amount of \$723,702.75 and for such other relief as this Court deems appropriate.

Dated: January 14, 2010

Respectfully submitted,
ACE HARDWARE CORPORATION

By: /s/ David J. Fish
One of its Attorneys

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